

## **REMARKS**

The Office Action dated December 22, 2004, has been received and reviewed.

Claims 1-15 are currently pending and under consideration in the above-referenced application. Each of claims 1-15 stands rejected.

Reconsideration of the above-referenced application is respectfully requested.

### **Preliminary Amendment**

Please note that a Preliminary Amendment was filed in the above-referenced application on March 4, 2003, but that the undersigned attorney has not yet received any acknowledgement that the Preliminary Amendment has been entered into the Office file for the above-referenced application. If, for some reason, the Preliminary Amendment has not yet been entered into the Office file, the undersigned attorney would be happy to provide the Office with a true copy thereof.

### **Obviousness-Type Double Patenting Rejection**

Claims 1-15 stand rejected under the judicially created doctrine of obviousness-type double patenting. No patent has been cited in this rejection, so it is difficult to respond to.

In any event, it is not believed that any application or patent that has issued from an application related to the above-referenced application includes claims that would render the subject matter recited in independent claim 1, or any of claims 2-15 depending directly or indirectly therefrom, obvious.

Accordingly, withdrawal of the obviousness-type double patenting rejection is respectfully requested.

### **Rejections Under 35 U.S.C. § 102**

Claims 1-4 and 6-15 stand rejected under 35 U.S.C. § 102(b) for reciting subject matter which is purportedly anticipated by that described in U.S. Patent 5,693,981 to Schneider et al. (hereinafter “Schneider”).

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single reference which qualifies as prior art under 35 U.S.C. § 102. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The heat sink described in Schneider includes annular recesses in the outer periphery thereof. *See* FIGs. 1-6C; Office Action, page 4. The Office considers these annular recesses to anticipate the “nonlinear passageway” that was previously recited in independent claim 1.

Independent claim 1 has been amended to recite a heat sink that includes a heat transfer element with at least one passageway that includes an internally confined portion that extends along a nonlinear path. As the annular recesses of the heat sink described in Schneider do not include internally confined portions that extend along nonlinear paths, Schneider does not anticipate each and every element of amended independent claim 1. As such, it is respectfully submitted that, under 35 U.S.C. § 102(b), the subject matter recited in amended independent claim 1 is allowable over the subject matter described in Schneider.

Claims 2-4 and 6-15 are each allowable, among other reasons, for depending directly or indirectly from claim 1, which is allowable.

#### **Rejections Under 35 U.S.C. § 103(a)**

Claim 5 stands rejected under 35 U.S.C. § 103(a) for reciting subject matter which is assertedly unpatentable over that taught in U.S. Patent 5,693,981 to Tseng.

Claim 5 is allowable, among other reasons, for depending indirectly from claim 1, which is allowable.

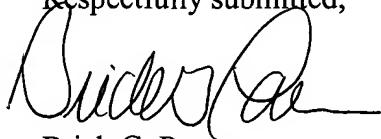
#### **New Claims**

New claims 16 and 17 have been added. New claims 16 and 17 depend from claims 2 and 14, respectively. Neither of these new claims introduces new matter into the above-referenced application.

## CONCLUSION

It is respectfully submitted that each of claims 1-17 is allowable. An early notice of the allowability of each of these claims is respectfully solicited, as is an indication that the above-referenced application has been passed for issuance. If any issues preventing allowance of the above-referenced application remain which might be resolved by way of a telephone conference, the Office is kindly invited to contact the undersigned attorney.

Respectfully submitted,



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